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HARMONIZED SYSTEM
COMMITTEE
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(+ Annex)
O. Eng.

Brussels, 25 October 2000.

CLASSIFICATION OF CERTAIN MOTORISED SCOOTERS

(Item VIII.7 on Agenda)

I. BACKGROUND

1. One of the classification questions discussed in several of the recent HS Seminars under the technical assistance program of the Secretariat was the classification of the following motorised scooters :

Fisher & Paykel Scooters

Three- or four-wheeled vehicles, driven by battery-powered electric motors (150W continuous and 1700W maximum power), having a horizontal platform which joins their front and rear portions, small tyres (290mm in diameter), a rotating adjustable seat with foldable armrests at the rear, and levers (handle bars) on a steering column (which can be moved forward and equipped with a small control panel) at the front for starting, accelerating, braking and reversing the vehicle, as well as steering it to the right or the left. The motor is started with a key and, after selecting one of the four speed buttons, the vehicle is accelerated by squeezing the speed lever, automatically braked by releasing the same lever and reversed by squeezing the opposite lever. A range of hand controls for one handed users, those with arthritis, or simply right/left handed options and a range of accessories (e.g., walking sticks and frames, oxygen cylinders, golf clubs) are available to customise the vehicles. Without a drivers licence, they might be used on footpaths and in public places to go shopping, fishing, to local golf courses, etc.

The three-wheeled model is 650mm in width, 1170mm in length, and weighs 44kg total (without batteries); it has a 100kg maximum payload capacity, and is equipped with one 150W electric motor and a differential. Two four-wheeled models are 650mm in width, 1260 and 1290mm in length, and weigh 54kg and 60kg total (without batteries), respectively; they have a 127kg maximum payload capacity, and two electric motors (150W each).

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2. Relevant pages of an information brochure on the scooters concerned, containing their pictures and technical specifications, are reproduced in the Annex to this document.

3. With regard to their classification in the HS, views of the seminar participants were divided as follows :

(a) Heading 87.03, as a vehicle similar to golf cars, in subheading 8703.10, or as a vehicle similar to the second type of lightweight three-wheeled vehicles mentioned in the second paragraph of the Explanatory Note to that heading, in subheading 8703.90;

(b) Heading 87.11, as a scooter, on the basis of the description of scooters given in the second paragraph of the Explanatory Note to that heading;

(c) Heading 87.13, as a motorised invalid ("disabled person" in HS2002) carriage by application of GIR 3 (a), since the vehicles under consideration were designed for the transport of the driver only, were simply battery-powered, could be adapted for use by invalids, could be easily disassembled and reassembled, and did not require a licence for driving.

II. SECRETARIAT COMMENTS

Heading 87.03

4. According to the first and second paragraphs of the Explanatory Note to heading 87.03 (pages 1546 and 1547), the vehicles of this heading may have any type of motor (internal combustion piston engine, electric motor, gas turbine, etc.). The heading also covers lightweight three-wheeled vehicles of simpler construction such as those mounted on a T-shaped chassis, whose two rear wheels are independently driven by separate battery powered electric motors. Those vehicles are normally operated by means of a single central control stick with which the driver can start, accelerate, brake, stop and reverse the vehicle, as well as steer it to the right or to the left by applying a differential torque to the drive wheels or by turning the front wheel.

5. The vehicles in question are not mounted on a T-shape chassis, but powered by electric motors and operated by means of a steering column equipped with two levers (handle bars) for right and left hands. As noted above, they are designed for carrying the driver only and may be fitted fit provisions for carrying golf equipment, fishing rods, etc.

6. It should be noted that "racing cars", "go-carts" and many types of "golf cars" also transport their driver only. Many types of "golf cars" are also battery-powered and have provisions for carrying golf equipment.

The questions involved here are as follows :

(a) Within the meaning of heading 87.03, whether the vehicles in question could be regarded as "motor vehicles principally designed for the transport of persons";

(b) If so, whether they would be considered similar (i) to the "golf cars" specified in the text of subheading 8703.10 or (ii) to the three-wheelers described in the second indent of the second paragraph of the Explanatory Note to this heading; and

(c) Whether the three-wheelers mentioned in subparagraph (b) (ii) above should fall in subheading 8703.10 or 8703.90 by application of GIR 6.

Heading 87.11

7. According to the first paragraph of the Explanatory Note to heading 87.11 (page 1556), this heading covers a group of two-wheeled motorised vehicles which are essentially designed for carrying persons.

8. The second paragraph thereof states that, in addition to motorcycles of the conventional type, the heading includes motor-scooters, characterised by their small wheels and by a horizontal platform which joins the front and rear portion of the vehicle. No reference is made to the number of wheels of scooters.

9. According to the fourth paragraph of the same Explanatory Note, three-wheeled vehicles (e.g., the “delivery tricycle” type) are also classified here provided they do not have the character of motor vehicles of heading 87.03.

10. The vehicles in question have small wheels and a horizontal platform which joins their front and rear portions and are designed for carrying their driver only. They have three or four wheels.

11. Given the foregoing, and taking account of the design features and technical characteristics of the vehicles concerned, the question to be answered here is, whether the “three-wheeled” version of these vehicles could be regarded as “motorcycles” within the meaning of heading 87.11 in general and “scooters” within the meaning of its Explanatory Note in particular. On the basis of the fourth paragraph of the Explanatory Note to the heading (see paragraph 9 above), this heading should be ruled out, as “the three-wheeled” version of vehicles in question are not “delivery” type.

Heading 87.13

12. As indicated in the first paragraph of the Explanatory Note to heading 87.13 (page 1557), the carriages, or similar vehicles, of this heading should be specially designed for the transport of invalids (sick, paralytic, disabled, etc.). Vehicles fitted with means of mechanical propulsion are usually driven by a light motor.

13. The scooters under consideration have a rotating adjustable seat with foldable armrests and may be equipped with a range of controls and accessories for disabled persons (e.g., for one-handed persons, for carrying walking sticks or frames). However, they may also be used by persons other than invalids (e.g., normal elderly persons, adults or even children).

14. It should be noted that the Explanatory Note to this heading excludes normal vehicles simply adapted for use by invalids (for example, a motor car fitted with a hand-operated clutch, accelerator, etc. (heading 87.03), or a bicycle fitted with a special attachment and pedalled with one foot (heading 87.12)).

15. Questions involved here are as follows :

(a) Taking their design and technical characteristics into account, whether the vehicles in question could be regarded as (i) invalid carriages or at least vehicles similar to invalid

carriages or (ii) normal vehicles, within the meaning of heading 87.13 and its Explanatory Note;

(b) Whether the fact that these vehicles may be driven by persons other than invalids would be enough to exclude them from heading 87.13.

Secretariat's View

16. The main purpose of the Secretariat in bringing this question before the Committee is to draw the Committee's attention to the fact that there are certain anomalies between the legal texts of the headings concerned and their Explanatory Notes that lead to disputes in classifying certain goods which might potentially fall in one of those headings.

17. In this respect, the Secretariat would like to point out that many provisions of the HS Explanatory Notes were taken mainly from the Explanatory Notes to the CCCN which were based on the Explanatory Notes to the Brussels Nomenclature which, in turn, were based on the Explanatory Notes to the Geneva Nomenclature of the League of Nations. It is clear that such provisions should be reviewed and updated.

18. On the basis of the foregoing, the Secretariat leaves it to the Committee to rule on the classification of the vehicles in question.

III. CONCLUSION

19. Taking into account the Secretariat comments above, the Committee is invited to examine the classification of the vehicles described in paragraph 1 above.

20. The Committee is also invited to instruct the Secretariat as to what further action should be taken in this regard.

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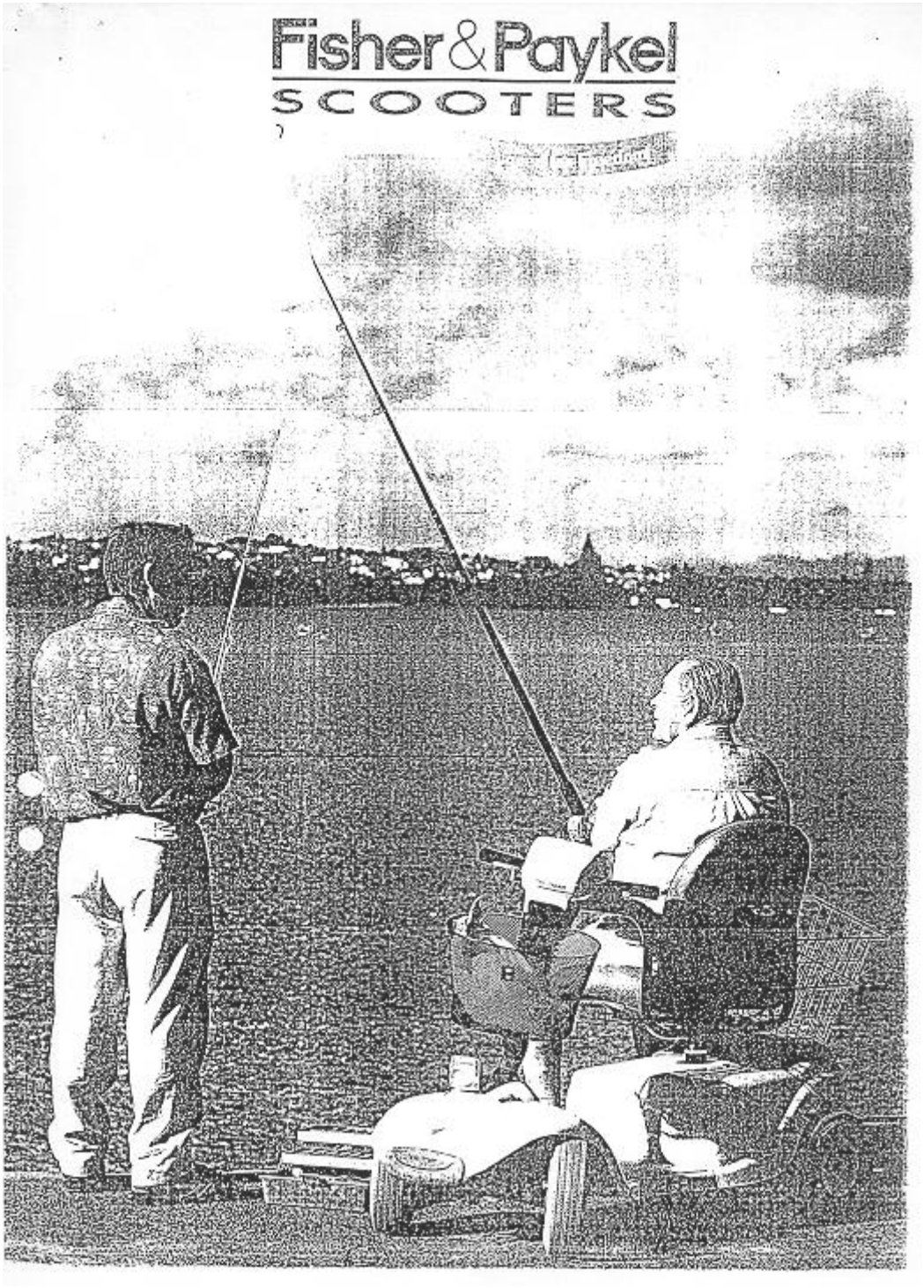
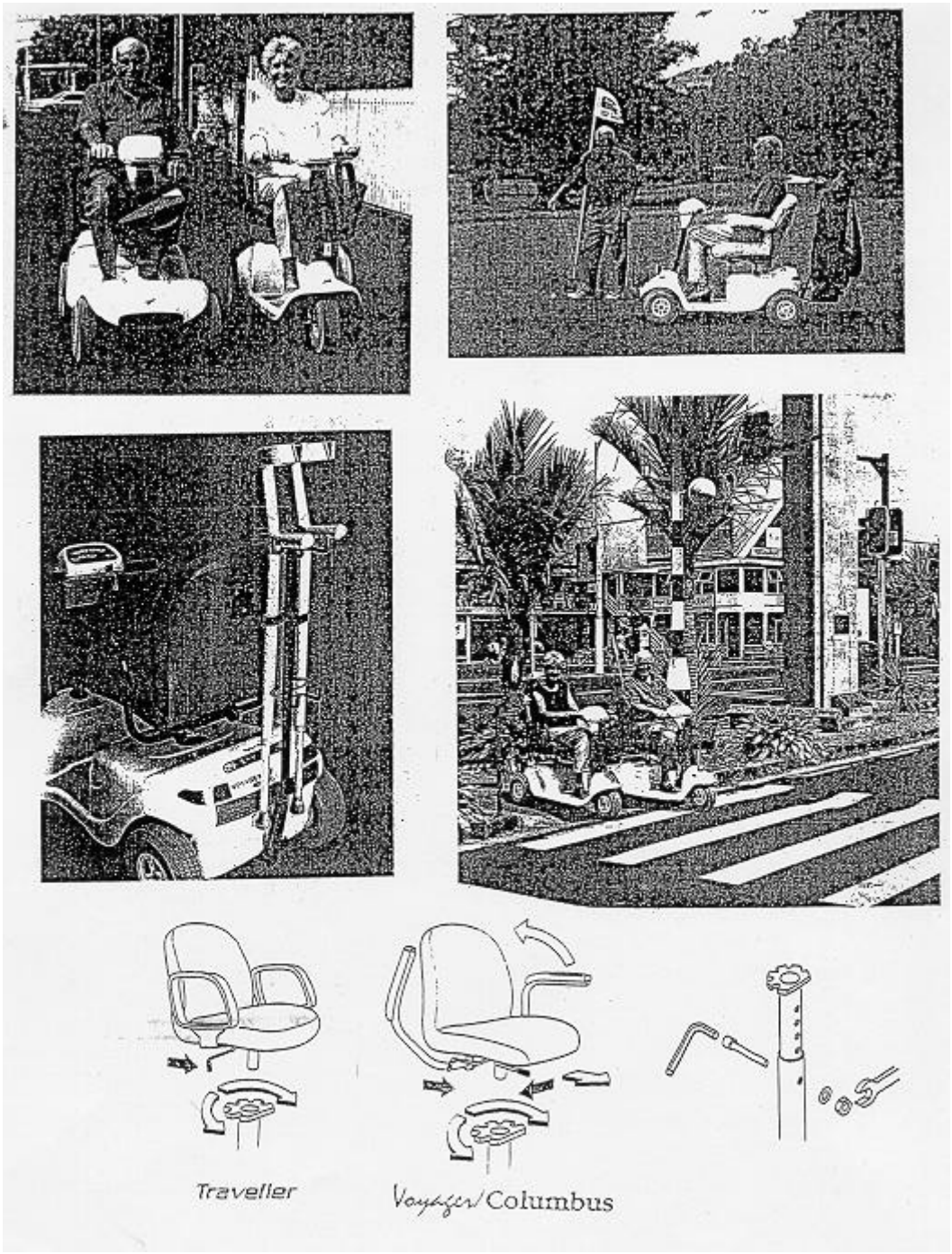

Fisher & Paykel
SCOOTERS


Traveller
Voyager/Columbus

Specifications

Note: Fisher & Paykel Healthcare has a policy of continuous product improvement - some specifications may change.

PARAMETER	TRAVELLER	COLUMBUS		VOYAGER	
		Std	Deluxe	Std	Deluxe
Main Dimensions (mm)					
Length (overall)	1170*	1260		1290	
Width	650	650		650	
Foot Platform Height	160	160		160	
Tyre Diameter	290	290		290	
Ground Clearance	120	120		120	
Turning Radius (min)	1000	1120		1400	
Turn Around Width (min)	1300	1370		1640	
Seating Dimensions (mm)					
Width (overall)	560	580		580	
Width (between armrests)	470	475		475	
Depth	410	410		410	
Platform to Cushion Height	430	440	410-510	440	410-510
Fore/Aft Adjustment	160 (fixed)	155 (adjustable slide)			
Control Dimensions (mm)					
Handgrip to Platform	650-690	670-710		680-730	
Handgrip Span	450	450		450	
Payload (kg)					
Maximum Load	100	127		127	
Component Weights (kg)					
Total Weight (no batteries)	44	54		60	
Chassis	33	20		27	
Power Pack	-	23		23	
Seat	9	11		11	
Drive System					
Battery Supply	2 x 12V Deep Cycle Lead Acid, Capacity 24 - 50 Ahr				
Type	Differential	Two Motors			
Power, continuous(W)	150	300			
Power, max (W)	1700	1700			
Charger					
Supply Requirements	Household Supply 220-240 VAC, 50-60 Hz				
Output	Programmable to suit Wet, Sealed and Gel battery types				
Inlet Fuse Rating	2A (timelag) 250 VAC, IEC rating				
Tyres					
Size	4.10/3.50-5				
Pressure, recommended	200 kPa (30 PSI)				
Light Bulbs (Deluxe Models Only)					
Headlight	6W 24V, Bosch AA246BS				
Front Indicator	3W 24V, Hella M243				
Rear Strip	1.2W 24V Hella W241.2				

**Traveller length is 1240 including wheelie bars.*